Overview & FAQs of USED's Proposed Changes to the Education Department General Administrative Regulations (EDGAR)

Dan Gordon | September 3, 2026

On 8/24/26, the U.S. Department of Education (USED) issued a Notice of Proposed Rulemaking (NPRM) that proposes several significant changes to the rules governing USED's management of federal education funds, including both competitive grants and formula grants. Specifically, USED is seeking to revise parts of the Education Department General Administrative Regulations (EDGAR), which govern the general administration of USED's grant programs and are justified primarily by statute under the General Education Provisions Act (GEPA) and the Department of Education Organization Act (DEOA).[1] All those who may be impacted by the proposal, particularly leaders in the education, research, and nonprofit sectors, should consider weighing in via public comment by 9/23/26.

Over the past 19 months, the Administration has taken unprecedented actions to freeze, cancel, and terminate federal grants. Many of these actions, including some by USED, have been successfully challenged in court. With this proposed rule, USED seeks to codify into EDGAR the Administration's preferred approach to making and managing federal grants—one that infuses political and policy preferences into grantmaking and provides the Executive Branch with broad power over appropriated funds. Throughout these efforts, the Administration is seeking to exert significant control over federal funding: what funds are used for, who receives them, and how those recipients must conduct themselves.[2] These revisions to EDGAR could further threaten the stability of federal funding, likely disrupting program activities and scientific research. Any final revisions to EDGAR should allow recipients to plan responsibly and be good stewards of federal resources.

In this document, we summarize key provisions and issues in USED's EDGAR proposal. We do not provide a comprehensive legal analysis, nor do we discuss all of the proposed revisions.[3] The *Overview & FAQ* instead focuses on the following major areas, each of which warrants careful consideration by anyone considering submitting comments before USED finalizes its revisions.[4]

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[1] USED has revised EDGAR multiple times over the years. At times, these revisions focus on increasing clarity or implementing technical fixes to align EDGAR with updated laws. Other times, revisions are more substantive. The current EDGAR proposal includes both technical and substantive changes. This document focuses on the latter.

[2] The Administration has already begun codifying these practices through two pending government-wide proposals, one by the General Services Administration (GSA) and one led by the Office of Management and Budget (OMB) on behalf of dozens of funding agencies. USED and other agencies have begun similar efforts within their individual agency regulations such as EDGAR. (See "Connecting the Dots" on page 3 for how the EDGAR proposal relates to OMB's.)

[3] Consistent with our mission, EducationCounsel is working to update and support the field as federal actions consequential to education are unfolding. The information provided in this document is not legal advice and its receipt does not constitute an attorney-client relationship.

[4] Note that although we mostly describe the NPRM in the present tense (e.g., "The NPRM provides USED with more discretion to terminate grants."), the NPRM is merely a proposal and nothing in EDGAR has changed because of it. USED will have to consider and respond to public comments when issuing a final regulation (with an effective date). Beyond the rulemaking process, there is also the possibility that the EDGAR revisions are challenged in litigation.

1. Making it Easier for USED to Terminate Grants it Disfavors: The NPRM provides USED with more discretion to suspend or terminate grants "for convenience" regardless of how the grantee is performing.

2. Requiring All Grantees to Comply with the President's Executive Orders: The NPRM seeks to require formula-funded grantees, such as state departments of education and public school districts, to comply with all of the President's executive orders, just as EDGAR currently does of competitive grant awardees.

3. Requiring Grantees' Employment and Admissions Decisions Under their Grants to be Based on "Merit": The NPRM adds requirements for all USED grantees to base any employment and admissions decisions under their grants solely on "merit" without defining that term or explaining whether and how the new EDGAR language is consistent with or goes beyond existing federal antidiscrimination laws.

4. Prioritizing Grant Applicants that Lower their Indirect Cost Rates: The NPRM creates a new competitive grant priority that can be incorporated into any USED grant competition to provide bonus points to applicants that agree to lower their negotiated indirect cost rate.

5. Advancing the Administration's Priorities through Competitive Grant Scoring Criteria: The NPRM makes numerous changes to the menu of criteria that USED can choose from when designing the scoring rubrics for new grant competitions, with the overall effect of shifting the criteria—and thus the incentives for what the field proposes in their applications—toward the Administration's policy preferences, especially its opposition to efforts to advance diversity, equity, and inclusion in education. (Click here to access an Appendix that provides an redlined and annotated version of the proposed revisions to the scoring criteria.)

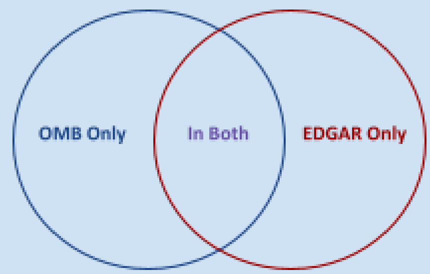
6. Other Proposed Revisions of Note: The NPRM includes other revisions as well, including changes to how USED posts information about new grant competitions, the role of the What Works Clearinghouse in defining "strong," "moderate," and "promising" levels of evidence, and the ways that USED manages any frontloading of funds for multiyear grants.

The document concludes with answers to some Frequently Asked Questions. Note that you can use hyperlinks in the summary list above to navigate directly to the relevant section of the document.

CONNECTING THE DOTS: *How does the EDGAR proposal relate to OMB's recent proposal?*

The proposed EDGAR changes are distinct from but related to the government-wide proposal by the U.S. Office for Management and Budget (OMB) to overhaul the rules governing federal financial assistance, including the same USED grants that are also governed by EDGAR. Along with every other federal agency that awards funding, USED joined OMB in proposing sweeping changes to government-wide regulations. OMB's proposed rule, which we summarized in this *Overview & FAQ*, garnered almost half a million public comments and is currently pending with OMB, which must still issue a final rule responding to the comments and setting a date for the rule to go into effect.[5]

As illustrated to the right, there are some proposals in the OMB NPRM that do not appear in the new EDGAR one, such as substantive prohibitions on using federal funds to support unlawful diversity, equity, inclusion, and accessibility efforts or to "promote anti-American values." Likewise, there are some proposed rules in the EDGAR NPRM that do not appear in OMB's, such as changes to the menu of scoring criteria that USED can select from when designing the rubric for a new grant competition. Finally, there are some proposals that appear in both, such as increasing the Administration's discretion to terminate or discontinue grants.



Because the EDGAR NPRM stands on its own as a proposed rule, these overlapping provisions could potentially become final rules—with the force of law—even if pushback from the public, Congress, and (perhaps) federal courts succeeds in halting or even undoing OMB's proposal.

1) Making it Easier for USED to Terminate Grants it Disfavors

As noted in the introduction, the NPRM seeks to codify the approach USED has taken to terminating federal grants mid-implementation (or discontinuing multiyear grants at the start of a new budget period) without warning or sufficient reason.

- The NPRM revises § 75.901, which governs decisions to **suspend or terminate** a grant, in order to "provide clear notice to all recipients of the Department's ability to terminate discretionary awards for convenience in a manner consistent with law." The proposal would provide the Secretary with maximal discretion to terminate grants ("For convenience") rather than having to demonstrate reasons for the termination.[6] USED argues in the preamble that a "for convenience" provision reflects the view that a grant is "ultimately contractual in nature" and the need for USED to "retain ongoing programmatic discretion after an award is made." But the several federal courts that have

[5] On 9/2/26, President Trump signed into law a bipartisan Continuing Resolution (CR) that extends federal funding beyond the end of the current fiscal year on 9/30/26 through 12/11/26. Among other things, the CR prohibits OMB from issuing any final version of OMB's proposed rule until the CR expires on 12/11/26.

[6] In this way, USED's proposal thus goes *further* than the proposed OMB rule, which would allow terminations when they are "in the interest of the Federal agency or pass-through entity, including if a Federal award does not effectuate program goals, Federal agency priorities, or the national interest as they exist at the time of the termination."

ruled on the Administration's sudden grant terminations—including the U.S. Supreme Court—have not recognized a right for the federal government to terminate federal grants (as opposed to contracts) for convenience like the NPRM would enshrine in EDGAR.

- The NPRM revises § 75.253, which governs **continuation determinations** for multiyear grants, in a number of ways so that the Trump Administration's "current practices will be codified." For example, the existing EDGAR provision describing the information that the Secretary may consider in making a continuation decision currently restricts it to "any relevant information regarding grantee performance." The NPRM removes the words "regarding grantee performance" to codify the Administration's practice of discontinuing multiyear grants for policy preferences rather than necessarily concerns with how grantees are implementing their grant projects. Additionally, the NPRM removes a requirement that USED prioritize continuing to fund existing multiyear grants before using a new year's available funds to award new grants.

These changes would effectively hold USED's grantees responsible not for their performance as grantees but instead for remaining in good standing with USED's and the Administration's political and policy preferences. Given that these preferences change within and across Administrations, these EDGAR revisions would inject new risks of grants being unexpectedly canceled mid-implementation. This additional instability and uncertainty would affect all grantees, but it could particularly disadvantage recipients that rely on federal funding for key purposes, including rural school districts, small non-profit organizations, and new federal grantees.

2) Requiring All Grantees to Comply with the President's Executive Orders

The NPRM revises § 76.700 to require formula-funded grantees to comply with presidential executive orders (EOs), adding them to an existing list that includes congressional statutes, agency regulations, and approved state plans and applications. However, EOs do not go through the legislative or regulatory processes that give statutes and regulations the force of law. In most instances, they are best understood in lay terms as a memo from a President to federal agencies, instructing them on the President's policy preferences for agency action consistent with federal laws and processes.[7] Instead, EOs can be issued without any deliberative process and can be revised or revoked by the same or another President. As federal courts have repeatedly held, EOs sometimes violate federal laws or the U.S. Constitution, such as with the recent decision in the birthright citizenship case. Thus, requiring USED's grantees to comply with EOs introduces a level of legal uncertainty and risk that undermines the ability of states, school districts, and other recipients of federal education funding to responsibly plan and manage their grants.

USED justifies its proposal to add EOs to § 76.700 as being necessary "to align to § 75.700, which includes the requirement for grantees of direct grant programs to comply with Executive orders. It was an oversight that this proposed change was not included in the updates to EDGAR published in the Federal Register on August 29, 2024 (89 FR 70300)." But this statement omits relevant (if complicated) parts of EDGAR's history of requiring compliance with EOs, and whether this practice is within USED's legal authority. The missing history is outlined in footnote 8, but the better approach to resolving the inconsistency between § 75.700

[7] And unlike a State plan or approved applications, which are developed and submitted to USED by grantees, EOs do not represent commitments that grantees make and to which they should be held accountable.

and § 76.700 (and, as explained in the footnote, § 75.708) would likely be to remove the existing reference to complying with EOs in § 75.700 rather than add it to § 76.700.[8]

3) Requiring Grantees' Employment and Admissions Decisions Under their Grants to be Based on "Merit"

Through EOs, agency regulations and guidance, and civil rights enforcement actions, the Administration has aggressively advanced its vision of how employment and admissions decisions must be based on "merit" without any regard to race, gender, or other aspects of employees' or applicants' identities. In the NPRM, USED adds a new requirement for both competitive grants (§ 75.500(f)) and formula-funded grants (§ 76.500(f)) that reinforces this Administration priority. USED argues the new requirement is necessary because its grants are "most likely to achieve program objectives if awarded to entities that will emphasize merit, ability, and high standards." The new provision is substantially the same in both parts and reads as follows (for § 75.500)—note that it applies only to a grantee's federally-funded conduct ("under the grant"):

> (f) A grantee must:
>
> > (1) Ensure that hiring, admissions, promotions, and compensation practices under the grant are based on merit and high standards, without regard to race, color, religion, sex, national origin, or proxies thereof unless an appropriate exception applies (such as a religious organization or an organization engaged in remedial action).

On one hand, (f)(1) can be read as a restatement of federal grantees' obligations under the federal antidiscrimination laws that apply to any entity accepting federal funds. Indeed, § 75.500(a) and § 76.600(a) already require USED's grantees to comply with Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, and the Age Discrimination Act of 1975. Under this view, the NPRM's new provisions are just repeating grantees' existing legal obligations.

On the other, the Administration has repeatedly misrepresented the current state of federal antidiscrimination law.[9] Grantees may justifiably worry that the new EDGAR provisions might obligate them to comply with the Administration's view of what the law should be. Indeed, Title VI and other federal laws

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[8] There are three types of grantees relevant to this history, each with a specific EDGAR provision listing what they must comply with: § 75.700 addresses grantees who were awarded a competitive grant; § 75.708 addresses sub-grantees of those grantees; and § 76.700 is the parallel provision for formula-funded grantees that USED is currently proposing to add EOs to the compliance list. USED says it is now adding EOs to § 76.700 because, although EOs were added to § 75.700 in the 2024 EDGAR revisions, they were not added for formula-funded grantees at that same time because of an "oversight." But USED does not mention that in 2024, USED justified adding EOs to § 75.700 for grantees "to align § 75.700 to § 75.708, which includes the requirement for subgrantees to comply with Executive orders." More importantly, USED also fails to mention that in that very same 2024 revision, USED *removed* EOs from the subgrantee provision in § 75.708. In other words, the 2024 revision did not necessarily resolve an inconsistency regarding whether discretionary grantees and subgrantees must comply with EOs. It seems to have reversed it.

[9] *See, e.g., AFT v. Dep't of Educ.*, 796 F. Supp. 3d 66, 107 (D. Md. 2025) ("[T]he administration is entitled to its own views . . . . But it is not entitled to misrepresent the law's boundaries . . . . It cannot blur the lines between its viewpoint and existing law."); *Martin Luther King, Jr. Cnty. v. Turner,* 798 F. Supp. 3d 1224, 1249 (W.D. Wash. 2025) (explaining that U.S. Department of Justice's July 29, 2025 DEI-related guidance "is inconsistent with Supreme Court precedent" and leaves recipients "at the mercy of [the Administration's] interpretation of federal antidiscrimination laws, regardless of how those laws are interpreted by the courts") (grant of preliminary injunction *aff'd*, No. 25-3664, 9th Cir., August 25, 2026).

do not incorporate concepts like "merit" or "high standards." The new provisions also refer to "or proxies thereof" in their list of prohibited factors. In several of the Administration's recent civil rights investigations into IHEs' admissions practices, the findings letters point to the use of race-neutral criteria (such as first-generation or Pell recipient status) as evidence of intentional racial discrimination. USED's grantees may reasonably question whether the reference to "proxies" in these new EDGAR provisions may be interpreted by the Administration to prohibit more than just the use of "improper" or "unlawful" proxies.[10]

The new provisions being proposed also include a second new limitation on grantees' employment and admissions practices. Under (f)(2), a grantee must also "[e]nsure that the grantee's employment practices do not compel statements of belief in support or opposition to any political views as a condition of employment, admission, or project participation, unless an appropriate exception applies." Like with "merit," "high standards," and even "proxies," USED does not define "political views" or otherwise provide clear notice to grantees what this provision would or would not prohibit.[11]

Given the vague language in these proposed provisions and the Administration's track record in this area, these revisions to EDGAR could be used to push all USED grantees—including all state and local education agencies and any IHE accepting a USED grant—to align their employment and admissions practices to an unknown legal standard subject to the Administration's interpretation or risk losing their federal funding.

4) Prioritizing Grant Applicants that Lower their Indirect Cost Rates

USED is proposing a new EDGAR section (§ 75.228) that would allow the agency to prioritize competitive grant proposals from applicants that agree to use an indirect cost rate (IDC) for the particular grant that is below their negotiated rate. IDC refers to the percentage of a grant that can be used by grantees for overhead or administrative expenses that support their organization or the funded project but cannot easily be attributed to individual projects.[12] USED's stated rationale for creating a preference for lower-than-negotiated rates is to "help ensure that Federal funds are directed, to the greatest extent possible, towards the core activities and outcomes of programs."

This proposal is not the Administration's first attempt to lower the IDC of IHEs and other federal grantees, especially research institutions that often have higher negotiated rates given their need for costly specialized facilities and equipment. Despite appropriations laws prohibiting them from doing so, multiple agencies (not including USED) have attempted to implement across-the-board 15% IDC caps on their existing grantees. Each of these policies has been blocked by federal courts. It appears that USED is now

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[10] The provision could also be read to go beyond the U.S. Supreme Court's decision in *SFFA v. Harvard*, which noted that selection processes in admissions decisions *may* incorporate questions about a person's qualities or competencies (i.e., skills, knowledge, character, inspirations, and aspirations) derived from their lived experiences, even if those are drawn from a person's experiences with race or ethnicity. *Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181, 230-31 (2023).

The NPRM also does not address potential implications of this new provision on grantees' compliance with Title VII of the Civil Rights Act of 1964, which prohibits employment discrimination based on race, color, religion, sex and national origin, or on any obligations they may have as employers to keep and report records including demographic data.

[11] Note that this requirement is not explicitly limited to only those practices or policies "under the grant" like the "merit" provision in (f)(1).

[12] See OMB's uniform grants guidance for more information about direct costs versus indirect costs.

attempting to leverage competitive grant priorities as a different mechanism for advancing the Administration's overall goal of paying lower IDC, especially to large research universities and institutions.

As further explained in the text box below, a competitive preference can be a significant lever to advance the Administration's agenda because applicants are likely to submit applications in line with a competitive priority, given that the extra points make them more likely to win the funding. IHEs and other entities may be forced to choose between the negotiated IDC to which they are legally entitled or increasing their chance of winning a grant competition.

Although the OMB rule also proposed creating a preference for "institutions with lower indirect cost rates" if all other things are equal, USED's proposal for EDGAR would codify in an agency's regulations a competitive preference for lower IDC that could boost a lower-scoring application (accepting a lower IDC than its negotiated rate) over a higher-scoring application (planning to use its negotiated rate). It is unclear if USED has the legal authority to create a competitive preference like this. Unless successfully challenged or temporarily enjoined, this mechanism for the Administration to advance its goal of reducing IDC for federal grants may then be adopted by other funding agencies as well.

Background on Competitive Preferences: When designing discretionary grant competitions, USED often incorporates priorities through which applicants can earn preference points as bonuses on top of whatever points they earn in the main scoring rubric.[13] (See #5 below for more on proposed revisions to the scoring criteria that go into those rubrics.) For any particular competition, USED draws the priorities from one or more of the following sources:

- The relevant authorizing statute that created the grant program, which sometimes includes specific priorities;
- The list of the Secretary's Supplemental Priorities (see our Deep Dive on the current list); and/or
- The permanent priorities established in EDGAR itself, which currently includes priorities for new applicants, evidence-based proposals, and rural applicants.

The proposed priority for reduced IDC would become the fourth priority established in EDGAR and could be incorporated into any discretionary grant program moving forward.[14]

5) Advancing the Administration's Priorities through Competitive Grant Scoring Criteria

USED is proposing a long list of revisions to § 75.210, which provides a menu of nine scoring criteria, each with a long list of optional sub-criteria (or "factors"). When designing a new grant competition's scoring rubric, USED can choose to include one or more of the criteria and any of the optional factors under those chosen criteria. Because winning a competition depends on scoring more points than other applications on the rubric, § 75.210 provides a powerful lever for influencing both what applicants include in their proposals and which applicants ultimately win the competition and are awarded a federal grant.

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[13] For "competitive preferences" such as the IDC proposal, the Secretary "may award some or all bonus points to an application depending on the extent to which the application meets the priority." Further, the Secretary "may select an application that meets a priority over an application of comparable merit that does not meet the priority." 34 CFR § 75.105(c)(2).

[14] Regardless of their source, all competitive grant priorities must be supported by proper statutory authority.

The proposed revisions to § 75.210 discussed below may be of interest to those considering submitting comments, especially where a revision would eliminate or even reverse a factor that currently encourages applications to include something you value. To view all of the proposed revisions, click here for the Appendix, which provides a redlined version showing how the NPRM would change the current scoring criteria and factors in § 75.210. Some annotations in the form of comments appear throughout the Appendix that provide brief commentary about some of the most significant revisions.

- A number of revisions align with the Administration's opposition to efforts to advance diversity, equity, and inclusion (DEI). Removing or revising scoring factors that currently incentivize these efforts could lead to a significant shift in who benefits from USED's discretionary funds in the future.
    - For example, the NPRM replaces "underserved population" with "target population" throughout § 75.210. Although applicants can still focus (or "target") their proposals on supporting populations that are underserved, applicants will no longer have to do so to score highly on the criteria affected by this change.[15]
    - Under the "quality of the project design" criterion, the NPRM eliminates the following currently-required factor:

        > "In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equitable and adequate access and participation for project participants who experience barriers based on one or more of the following: economic disadvantage; gender; race; ethnicity; color; national origin; disability; age; language; migration; living in a rural location; experiencing homelessness or housing insecurity; involvement with the justice system; pregnancy, parenting, or caregiver status; and sexual orientation."

        Applicants will still have to include these strategies in their applications—as required by Section 427 of GEPA[16]—but USED will no longer assess (or assign points to) the quality and sufficiency of applicants' responses in scoring their grant proposals.[17]
    - Similarly, under the "quality of the project personnel" criterion, the NPRM removes a required factor that currently assesses the "extent to which the applicant demonstrates that it has project personnel or a plan for hiring of personnel who are members of groups that have historically encountered barriers, or who have professional or personal experiences with barriers" related to the same bases listed in the prior bullet. The NPRM also removes or revises factors that encourage applicants to "maximize[] diverse perspectives" and

[15] USED explains this change in terminology as increasing "alignment" across the criteria because the current version uses "target population" in some criteria and "underserved population" in others.

[16] Section 427 of GEPA states that "The Secretary [of Education] shall require each applicant for assistance under an applicable program (other than an individual) to develop and describe in such applicant's application the steps such applicant proposes to take to ensure equitable access to, and equitable participation in, the project or activity to be conducted with such assistance, by addressing the special needs of students, teachers, and other program beneficiaries in order to overcome barriers to equitable participation, including barriers based on gender, race, color, national origin, disability, and age." 20 U.S.C. § 1228a(b).

[17] Section 427 permits but does not require USED to use applicants' responses about this as a factor in scoring their applications. 20 U.S.C. § 1228a(c).

include people who represent or have "lived experience" of or "experience working with" the population to be served by the grant funds.

  - Despite the changes described above (and some others that appear in the Appendix), the Administration is not proposing to remove some language within the "need for the project" criterion that is often targeted as part of anti-DEI efforts. Language that will remain in certain factors that can be incorporated into a grant scoring rubric includes "the target population with the greatest needs, as demonstrated by the data relevant to the project" and "close gaps in educational opportunity or employment and career outcomes."

- The NPRM twice adds new language to § 75.210 that mirrors the provision discussed in #3 above that would require grantees' employment and admissions policies and practices to be based on the (undefined) concepts of "merit" and "high standards." The parallel additions here in § 75.210 appear as factors within the "quality of the project design" and the "quality of the project personnel" criteria. If incorporated into a grant competition, USED would assess applicants on "the extent to which" they demonstrate compliance with the Administration's prohibition. This could potentially provide the Administration with a tool to award more points to applicants that fully embrace the Administration's views of what the law should be than to applicants that demonstrate only that they are in full compliance with federal law as it currently stands under relevant judicial interpretations.[18]

- In a few places, the Administration adds more of a focus on improving outcomes, including both general references to "improving outcomes" and a new reference to "employment and career outcomes." At the same time, the NPRM removes EDGAR's only reference to "social, emotional . . . development" in § 75.210(c)(2)(xvii), one of the factors within the "quality of the project design" criterion.

6) Other Proposed Revisions of Note

In addition to the five areas discussed above, the NPRM includes other substantive revisions beyond small wording changes and technical fixes. These include the following three.

Posting Grant Applications: The NPRM eliminates the requirement that USED publicly post notices of its grant competitions in the Federal Register. Instead, USED would post information about new grant competitions on Grants.gov. In its rationale, USED argues, among other things, that this will "align the Department's practices with more common practices among other Federal agencies." USED also notes that this alignment is particularly important as the agency "increasingly partners with other Federal agencies as part of its 'final mission' to return education to the States, in line with Executive Order 14242," which is the EO calling for the dismantling of USED.[19]

[18] For examples of the Administration asserting legal positions that go beyond the current state of the law, see EducationCounsel's Deep Dives, *Overreaching and Misleading*: Analysis of the U.S. Department of Education's February 14, 2025, "Dear Colleague" Letter on Diversity, Equity and Inclusion Policies and Programs and *Mis*guidance: An Analysis of the U.S. Department of Justice's July 29, 2025 Civil Rights Guidance.

[19] Note that the "final mission" phrase included in the NPRM does not appear in the referenced EO but rather was part of a speech Secretary McMahon gave to USED employees at the beginning of her tenure.

Defining the Tiers of Evidence: The NPRM updates EDGAR's definitions of different evidence tiers, including strong, moderate, and promising evidence. Specifically, the revisions deemphasize (but do not eliminate) the role of the What Works Clearinghouse in validating the strength of the studies supporting a particular evidence-based project component.

Frontloading Funds for Multiyear Grants: The NPRM creates a new provision that will govern the process for USED to "frontload" funds for a multiyear grant, which a new proposed definition defines as "the use of appropriated funds available for obligation in a particular fiscal year, in whole or in part, for future budget periods of a grant award." The new provision on frontloading addresses some of the financial controls that apply to frontloaded grants and clarifies the discretion USED will continue to have to terminate or discontinue these multiyear grants, like with non-frontloaded multiyear grants.

FREQUENTLY ASKED QUESTIONS

What federal funding does EDGAR apply to?

EDGAR governs how USED awards and manages its grants. Part 75 establishes the rules for "direct grant programs," which refers to discretionary grant programs that are awarded through competitions, such as those authorized by the Every Student Succeeds Act (e.g., Comprehensive Literacy State Development) or the Higher Education Act (e.g., Postsecondary Student Success Program). Part 76 governs "state-administered formula grant programs" such as formula-funded grants to states and school districts under the Every Student Succeeds Act (e.g., Title I) or the Individuals with Disabilities Education Act. Note that EDGAR does not govern federal financial aid.

Would the regulations reach recipients' non-federally funded conduct?

For the most part, no. Unless a broader applicability is noted above, the provisions described in this document apply to a recipient's actions with respect to its use of federal funding it receives from USED.

Is there any point to submitting comments? Won't USED just finalize the revisions to EDGAR anyway?

Submitting comments is always an important part of the regulatory process. The public can provide critical viewpoints on the clarity, burden, workability, and legality of a proposed rule. Agencies are required to consider and address comments, as appropriate, in crafting a final rule. And public comments become part of the administrative record for the final rule, which a court can later review in determining whether the rule is valid. So, even if USED does not change a single word in its proposed revisions to EDGAR, public comments serve important functions. Indeed, several commentators have argued that the outpouring of public comments on the OMB proposal contributed to the recently-enacted and bipartisan continuing resolution (CR) that prohibits OMB from implementing any final rule for as long as the CR is in effect.

Is there anything that can make a comment more effective?

Submitting a public comment—on time and to the right place—is the most important thing. Beyond that, comments are most likely to be effective if the commenter can describe their concrete experience with and the applicability to their life or work of any particular provision in the NPRM. This helps demonstrates why the provision raises practical and legal concerns. We encourage commenters to describe their institution's or organization's work and experiences that inform how these proposed regulations will affect them, including any ways they expect they will be unworkable or undermine important federally funded activities. It is also important to point out parts of USED's proposed regulations that lack clarity or could lead to conflicts with existing law. Additionally, commenters may wish to affirm positive aspects of the proposal.

How do I submit comments?

You can file comments here.

When are comments due again?

Comments must be submitted by 11:59 pm ET on Wednesday, September 23, 2026.